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PART I



GOVERNMENT OF KERALA

Local Self Government (DD) Department

NOTIFICATION

No. 22596/DD2/09/LSGD.

Dated, Thiruvananthapuram, 12th May 2009.

The following draft of the Kerala Rural Employment Guarantee (Grievance Redressal Mechanism) Rules, 2009, which the Government of Kerala proposes to make in exercise of the powers conferred by sub section (1) of section 32 of the National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) is hereby published for information of persons likely to be affected thereby. Notice is hereby given that the draft rules will be taken up for consideration on or after thirty days from the date of publication of this notification in the Gazette and that any objections or suggestions, which may be received from any person with respect to the said draft, before the expiry of the period specified above, will be considered by the Government. The objections or suggestions, if any, shall be addressed to the Principal Secretary to Government, Local Self Government Department, Secretariat Annex, Thiruvananthapuram.

DRAFT RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Rural Employment Guarantee (Grievance Redressal Mechanism) Rules, 2009.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) ;

(b) “Employment Guarantee Commissioner” means an Officer of the State Government designated as such to function as the State Level Appellate Authority ;

(2) The words and expressions used, but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *Enquiry-Cum-Facilitation Desk.*—Every Village Panchayat and Block Panchayat shall establish an Enquiry-Cum-Facilitation Desk in its Office to reply all enquires of general public relating to National Rural Employment Guarantee Act.

4. *Public Grievance Redressal Authority.*—The Programme Officer and the District Programme Co-ordinator shall be the public Grievance Redressal Authorities at the Block and District Level respectively.

5. *Appellate authorities for grievance redressal.*—(1) The District Programme Co-ordinator and the Employment Guarantee Commissioner shall be the Appellate Authorities for Grievance Redressal at the District and State levels respectively.

(2) Any person aggrieved by the order of the Grievance Redressal Authority may prefer an appeal to the Appellate Authority in writing. If no order has been passed on the complaint by the grievance Redressal Authority within a period of seven days from the date of lodging of the complaint, the complainant may represent the matter to the Appellate Authority.

(3) The District level Appellate Authority and State Level Appellate Authority shall monitor the disposal of complaints at the Block Level and District Level respectively.

6. *Complaint.*—Any matter referred directly or indirectly, written, signed and enclosed with complete proof of identity of the complainant, to the Programme Officer suggesting a shortcoming in the implementation of National Rural Employment Guarantee Act, including any grievance communicated to him/her through writing, Complaint Register, Helpline, Social Audit, or other modes shall be deemed to be a ‘complaint’ under sub-section (6) of section 23 of the Act. Any reported contravention of the Act and these rules shall also tantamount to a complaint.

7. *Mode of submission of complaints.*—(1) Any complaint related to the Grama Panchayat can be made to the Programme Officer, any complaint related to the Programme Officer can be made to the District Programme Co-ordinator.

(2) The complaints may be submitted orally or on telephone or in writing, either in person or through post or through the Complaint Boxes installed in the Grama Panchayat Office, Block Panchayat Office or Office of the District Programme Co-ordinator for the purpose.

(3) If the complaint is made orally, the Public Grievance Redressal Authority or an Officer authorized by him/her for the purpose shall record the details in the register of complaints and obtain the signature/thumb impression of the complainant thereon.

(4) Any concerned person, in public interest, can lodge a complaint relating to the violation or non-compliance of the provisions of the Act.

8. *Complaint boxes to be installed to facilitate the complaints.*—(1) A Complaint box shall be installed at a conspicuous place in the Office of the Programme Officer and District Programme Co-ordinator with a view to facilitating easy submission of complaints.

(2) The complaint boxes shall be opened in the forenoon of every working day by an Officer specifically authorized for the purpose by the Public Grievance Redressal Authority concerned and the details of complaints received shall be entered in the Complaints Register on the same day.

9. *Maintenance of complaint register.*—Complaint Registers shall be maintained in the Office of the Grama Panchayat, Programme Officer and District Programme Co-ordinator. All complaints shall be immediately entered in the Complaint Register and dated and numbered and receipts issued to the complainant.

10. *Disposal of complaints.*—Complaints that fall within the jurisdiction of the Programme Officer, including any complaints concerning the implementation of the Act by a Grama Panchayat, shall be disposed of by him/her within 7 days, as prescribed under sub-section (6) of section 23 of the Act. In case a complaint relates to a matter to be resolved by any other authority, the Programme Officer shall conduct a preliminary enquiry and refer the matter to such authority within 7 days under intimation to the complainant.

11. *Liability to produce records.*—Request made by public Grievance Redressal Appellate Authority to produce records and registers connected with any complaint shall be complied with by the authority to which such request is made within fifteen days of receipt of the request.

12. *Power to summon.*—Public Grievance Appellate Authority shall have the power to summon the Secretary or the Officer designated for the implementation of National Rural Employment Guarantee Act of any Panchayat for non production of the records called for by the Appellate Authority or for adducing evidence in respect of any complaint made against the Panchayat or any of its employees for contravention of any provision of the Act and in such cases the Officer so summoned shall be bound to appear before the Appellate Authority on the appointed day at the appointed place and time.

13. *Failure to dispose of Complaints.*—Failure to dispose of a complaint within the prescribed time will be considered a contravention of the Act by the Block Programme Officer and is punishable under section 25 of the Act.

14. *Action on corruption.*—If a complaint concerns corruption, defalcation or forgery, the Programme Officer shall be responsible for having a preliminary enquiry completed within 7 working days, and if there is prima facie evidence of such irregularities, he/she shall initiate proceedings for recoveries and the filing of First Information Report (FIR) with the police.

15. *Criminal offences.*—If a complaint concerns other violations of the Indian Penal Code, the Programme Officer shall be responsible for having a preliminary enquiry completed forthwith and lodging a First Information Report with the police.

16. *Complainant to be informed of the action taken.*—The complainant shall be informed in writing of the final action taken on his/her complaint at the earliest, at any rate within a period of thirty days of the date of complaint.

17. *Panchayat to be informed.*—District Programme Co-ordinator and Programme Officer shall place monthly Action Taken Report on complaints received before the District Panchayat Committee and Block Panchayat Committee respectively.

18. *Social audit of grievance redressal.*—Performance of Public Grievance Redressal Authorities under the Act and Rules shall be a mandatory agenda for social audit.

19. *Monitoring of disposal of complaints.*—The Grievance Redressal Authority shall monitor the disposal of complaints in the last working day of every week.

20. *Compulsory disclosure of information.*—The Grievance Redressal Authority shall disclose status of complaints disposed of during the month and the complaints pending for more than 14 days, in the last working day of every month.

21. *Annual Report.*—In the month of April every year the Programme Officer shall prepare a comprehensive Annual Report for the preceeding year containing facts and figures on grievance redressal under his or her jurisdiction and forward it to the District Programme Co-ordinator before 31st of May of the year and publish a copy of the same simultaneously. The District Programme Co-ordinator shall consolidate the Annual Report of the Programme Officers of the District along with the Annual Report of Grievance Redressal by the District

Programme Co-ordinator and forward it to the Employment Guarantee Commissioner before 31st July of the year and shall publish a copy of the same simultaneously. The State Employment Guarantee Commissioner shall incorporate Annual Report of Grievance Redressal in the Annual Report of National Rural Employment Guarantee Act which shall be presented before the State Employment Guarantee Council.

22. *Monthly Reports.*—The Programme Officer and District Programme Co-ordinator shall send monthly progress reports on disposal of complaints to the District Programme Co-ordinator and Employment Guarantee Commissioner respectively.

By order of the Governor,

S. M. VIJAYANAND,
Principal Secretary to Government (LSGD).